

Application No. 09/758,949  
Amendment dated September 9, 2005  
After Final Office Action of July 8, 2005

Docket No.: 102323-0061

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings includes changes to Figures 1-7.

Attachment: 7 Replacement sheets

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### **REMARKS**

This reply is submitted in response to the Final Office Action dated July 8, 2005. Claims 11, 14, and 16 are amended, claims 20-23 are canceled without prejudice, and claims 31-41 are added. The amendments above and remarks that follow address the points raised in the Office Action and thereby place this application in condition for allowance.

#### **Claims 9 and 24-30 are Allowed**

Applicant acknowledges with appreciation the allowance of claims 9 and 24-30.

#### **Claims 32-36 are Allowable**

New independent claim 32 duplicates claim 11, adding the limitations of claim 9. Since claim 9 is allowed, claim 32, and claims 33-36 which depend from claim 32, are also allowable.

#### **Claims 37-41 are Allowable**

New independent claim 37 duplicates claim 16, adding the limitations of claim 9. Since claim 9 is allowed, claim 37, and claims 38-41 which depend from claim 37, are also allowable.

#### **Drawings**

New drawings are submitted that correct the size of the text in the figures. Seven replacement sheets of figures are attached that replace all the prior figures in this application.

#### **Claims Objections**

Claims 11-20 are objected to due to informalities. Claims 11 and 16 are amended to correct the informalities presented by the Examiner.

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**Claim Rejections under 35 U.S.C. § 112**

Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to the feature "to resume message transmission." Claim 14 is amended to clarify how message transmission is resumed using the override code.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1-8, 10-11, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,211 of Padovani in view of U.S. Patent No. 6,438,613 of Yeung and U.S. Patent No. 6,285,663 of Esmailzadeh.

Claim 1 is directed to a digital data system. The system comprises a plurality of nodes interconnected by at least one link. The nodes are configured to communicate message packets on the link, with each message packet having a format and a plurality of symbols that are transmitted by a first node on the link and received by a second node on the link. The message packet is aligned in relation to a frame signal. At least one of the first and second nodes is configured to communicate a link level control symbol. The link level control symbol is interposed between symbols of a message packet as an additional symbol to signal an adjacent node on the link. The adjacent node receives the additional symbol before completion of the message packet to effect a link level control of message flow on the link.

The combination of Padovani, Yeung, and Esmailzadeh does not teach all the features of claim 1, and, more specifically, does not teach a link level control symbol interposed with a message packet to effect link level control of message flow. Neither Padovani or Yeung suggest interposing control symbols within message packets, as agreed by the Examiner. The Examiner argues that Esmailzadeh, while being largely directed to embedding one control symbol within another control symbol, also teaches embedding a control symbol within a message packet, or non-control symbol. Applicants respectfully disagree with this reading of the reference.

Esmailzadeh purports to teach a system that embeds power control information, a control symbol, within a pilot symbol, another control symbol. Nowhere does Esmailzadeh teach embedding a control symbol within a message packet. The Examiner points to Col. 1, lines 60-

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67, of Esmailzadeh, which explains that control symbols can be "transmitted either in the same physical channel as the substantive information, or in a control channel which is separate from the information channel."

Using the same channel for sending both substantive information (message packets) and control symbols does *not* imply that the control symbols are embedded within the substantive information. On the contrary, this simply means that a single channel can be used to pass both substantive information and control information. One definition for the term channel in the Merriam-Webster dictionary defines a channel as "a path along which information (as data or music) in the form of an electrical signal passes" (definition found at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=channel>). Nothing about using the same channel for two different types of information implies that one type of information would be embedded in the other type.

Thus, claim 1 and claims 2-8 and 10, which depend from claim 1, are patentable over Padovani in view Yeung and Esmailzadeh.

New independent claim 31 makes dependent claim 4 independent by adding the limitations of its base claim. Claim 31 recites all the features of claim 1. Additionally, claim 31 recites that a message includes an error code for detecting corruption of a received message. A receiving node that receives two portions of a message packet surrounding a control symbol realigns the received portions to apply the error code to the two portions of the message packet surrounding the control symbol.

The arguments above apply with equal force to establish that claim 31 is patentable over the combined references. In addition, none of those references teach realigning two portions of a message packet, separated by a control symbol, and applying an error code to that message. Thus, claim 31 is patentable over the cited references.

The arguments above apply with equal force to establish that claim 11 is also patentable. For example, similar to claim 1, claim 11 recites a link level THROTTLE control symbol being interposed between symbols of the message packet – a feature not taught by the combined references.

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Therefore, claim 11 and claim 15, which depends from claim 11, distinguish patentably over the combination of Padovani, Yeung, and Esmailzadeh.

Claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani in view of Yeung and Esmailzadeh, and further in view of U.S. Patent No. 6,208,645 of James.

As explained above, independent claim 11 distinguishes over the combination of Padovani, Yeung and Esmailzadeh and represents allowable subject matter. Claims 12-14, which depend from claim 11, therefore distinguish over the combined references for the same, and other, reasons. Further, James does not remedy the deficiencies of Padovani, Yeung, and Esmailzadeh – specifically that James does not teach or suggest a link level THROTTLE control symbol being interposed between symbols of the message packet.

Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani in view of Yeung and James.

In the previous amendment mailed April 15, 2005, independent claim 16 was amended to include that the IDLE state control symbol is interposed between symbols of the message packet. The combination of Padovani and Yeung, as discussed above, do not teach or suggest a control symbol interposed between symbols of a message packet. James does not remedy this deficiency. James does not teach or suggest interposing an IDLE symbol between symbols of a message packet. Rather, James is directed to a method of cyclic redundancy checks (CRC) by time multiplexing the CRC functions. Although IDLE symbols are used in James to control packet transmission rates, there is not mention of interposing that IDLE symbol within the message packets.

Therefore, claims 16 and claims 17-19, which depend from claim 16, distinguish patentably over the combination of Padovani, Yeung, and James.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Padovani in view of Yeung and James, and further in view of Esmailzadeh. Claim 20 is canceled without prejudice.

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Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,664,091 of Keen in view of U.S. Patent No. 6,671,712 of Arimilli. Claims 21-23 are canceled without prejudice.

**Conclusion**

In view of the above amendments and remarks, Applicant respectfully submits that the claimed invention is patentable. Applicant therefore kindly requests reconsideration and allowance of the pending application.

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Respectfully submitted,

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Attachments